IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

LETTERS PATENT APPEAL NO.73 OF 2006
&
CIVIL APPLICATION NO.95 OF 2006

Mr.Jokhulal Maurya ...Appellant
Vs.
Mrs. Daphne D'Souza & Ors. ...Respondents

WITH

LETTERS PATENT APPEAL NO.74 OF 2006
&
CIVIL APPLICATION NO.96 OF 2006

Birendra Bahadur Singh ...Appellant
Vs.
Mrs. Daphne D'Souza & Ors. ...Respondents

WITH

LETTERS PATENT APPEAL NO.75 OF 2006
&
CIVIL APPLICATION NO.97 OF 2006

Shaikh Mustaq & Anr. ...Appellants
Vs.
Mrs. Daphne D'Souza & Ors. ...Respondents

WITH

LETTERS PATENT APPEAL NO.76 OF 2006
&
CIVIL APPLICATION NO.98 OF 2006

Mithailal Vishwakarma ...Appellant
Vs.
Mrs. Daphne D'Souza & Ors. ...Respondents

WITH

LETTERS PATENT APPEAL NO.77 OF 2006
&
CIVIL APPLICATION NO.99 OF 2006

Harikrishna Mistry ...Appellant
Vs.

Mrs. Daphne D’Souza & Ors. ...Respfondents

WITH

LETTERS PATENT APPEAL NO.78 OF 2006
&
CIVIL APPLICATION NO.100 OF 2006

Harihar Jaikishan Vishvakarma ...Appellant
Vs.
Mrs. Daphne D’Souza & Ors. ...Respondents

WITH

LETTERS PATENT APPEAL NO.79 OF 2006
&
CIVIL APPLICATION NO.101 OF 2006

Mahesh Narayan Sabhajeet Singh ...Appellant
Vs.
Mrs.Daphne D’Souza & Ors. ...Respondents

WITH

LETTERS PATENT APPEAL NO.80 OF 2006
&
CIVIL APPLICATION NO.102 OF 2006

Chandraramamani Umakatn Sharma ...Appellant
Vs.
Mrs. Daphne D’Souza & Ors. ...Respondents

WITH

LETTERS PATENT APPEAL NO.81 OF 2006
&
CIVIL APPLICATION NO.103 OF 2006

Pancham Surai Vishvakarma ...Appellant
Vs.
Mrs. Daphne D’Souza & Ors. ...Respondents

Mr.Naveen Parekh i/b. Ms. Hetal Patel for Appellant
Clive D’Souza for Respondent

CORAM: R.M.S.KHANDEPARKAR &
SMT.ROSHAN DALVI, JJ.
DATED: 24TH APRIL, 2006

P.C.

1 . Heard the Advocate for the Appellants. In all these appeals the appellants challenge the order passed by the learned Single Judge on 19th February, 2006 directing the appellants to deposit sum of Rs.1500/- per month on or before 10th of English Calendar month. The challenge is restricted only to the said direction under the said order.

2. Undisputedly the impugned order has been passed in exercise of powers under Order 41 Rule 5 of the Code of Civil Procedure. The order is purely discretionary order and there is nothing on record to disclose that the discretion has not been exercised judiciously while passing the impugned order. Being so there is absolutely no case for interference by the Appellate Court in the impugned order.

3. The learned Advocate for the appellants at this stage request for extension of time to deposit the amount ordered to be deposited and submits that whatever amount was due and liable to be deposited by 10th of April, 2006 may be allowed to be deposited by 10th of May, 2006. Purely on humaniterian ground the said request is acceded to and the appellants are allowed to deposit the amount whatever is due and

liable to be deposited on 10th April, 2006 latest by 10th May, 2006.

4. On such liberty being given, the learned Advocate for the appellants craves leave to withdraw the appeals and applications.

5. Accordingly the appeals and applications are allowed to be withdrawn with the liberty to deposit the amount as stated above.

(SMT. ROSHAN DALVI, J.) (R.M.S.KHANDEPARKAR,J.)